

Workers' Compensation



Learning Objectives

After completion of this lesson participants will be able to:

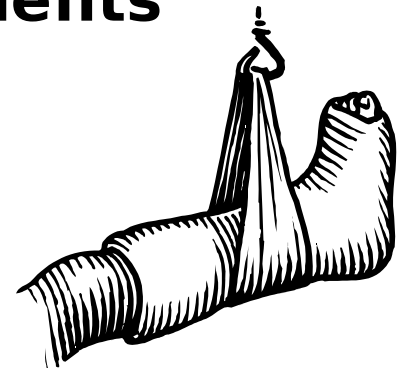
- **Describe the types of Workers' Compensation benefits**
- **Describe steps to take when a worker is injured**
- **Describe keys to identify possible fraud**





About Workers' Compensation

- **The Federal Employees' Compensation Act (FECA), 5 USC 8101et seq., provides compensation benefits to Federal civilian employees (or survivors) for work-related injuries or illnesses.**
- **Administered by the Department of Labor, Office of Workers' Compensation Programs (OWCP). OWCP has sole adjudication authority over all benefits payable under FECA.**





About Workers' Compensation (con't)

Basic types of benefits:

- Medical benefits (including transportation expenses)
- Continuation of Pay (COP) (up to 45 days)
- Wage loss compensation
- Scheduled awards
- Vocational rehabilitation
- Survivor benefits if employee dies as a result of injury



Cost of Workers Comp

- Every DAY the Dept. of Defense spends almost 2 million dollars on workers' comp.
- 80% of this amount goes to “old cases” where the injured employee was never brought back to work.



Performance of Duty vs Personal Injury



- Injured on agency premises during working hours performing assigned duties.
- On agency Premises - May be covered up to 30 minutes before or after working hours.
- Parking facilities owned by government - May be covered up to 30 minutes before or after working hours.
- **Travel status for all reasonable incidents of temporary duty.**
 - Injured in shower at hotel
- To and from work.
- Off premises during lunch hour.
- Vehicular accidents to and from work.
- **Travel status - Sightseeing trip.**



The Basics

- Establish a safe work environment.
- Insure a safety-conscience workforce.
- Get to know your CPAC Injury Compensation Program Administrator (ICPA).
- File claims immediately (no more than two working days after injury).
- Provide prompt medical attention and caring support to the injured/ill worker.
- Investigate the injury - what happened, are others at risk?
- Document the events, actions, conditions, witness accounts.
- Restore the worker to productivity as soon as possible .
- Maintain a watchful eye for fraudulent claim





What can a supervisor do?

First & Foremost - Prevent injuries

Keep your work area as safe as possible - most workplace injuries are completely avoidable.

Enforce all safety rules. Document even verbal warnings about safety violations.

Remember, people pay attention to the example you set.

Be prepared with hard copy injury forms (CA-1/CA-2/CA-16, CA-17, CA-20) and learn to input into EDI.



CA-1 or CA-2?

- **Traumatic injuries are filed using a CA-1**
 - When a date and time can be specified (cuts, falls, broken bones, etc).
- **Occupational illnesses are filed using a CA-2**
 - When an illness or injury happens over the course of a period of time (asthma, carpal tunnel, psychiatric conditions, etc).
- **If in doubt- ask your ICPA**



Recurrence (CA-2a) vs New Injury

Recurrence

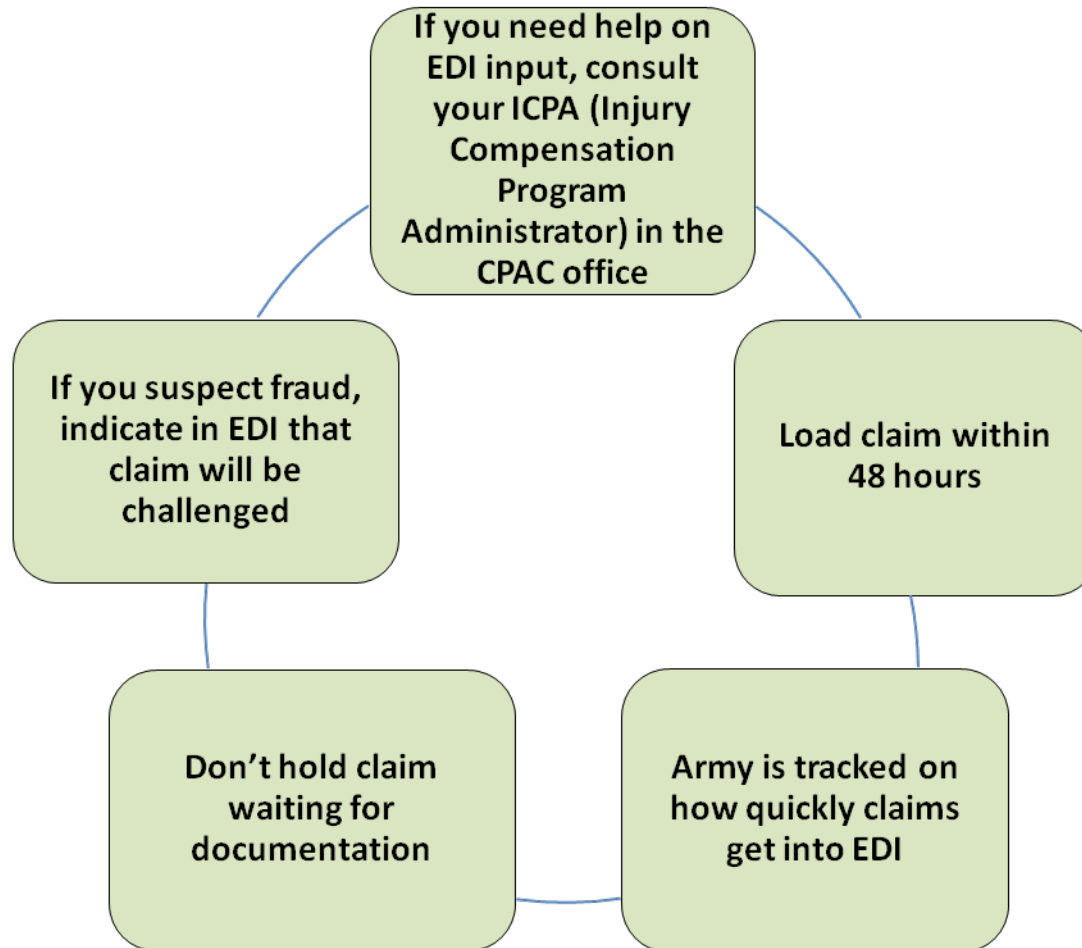


New Injury

- An onset of symptoms related to the original injury or disease for no explainable reason other than there was a prior medical condition.
- A new event or series of events causes a return of symptoms.



Input claim into EDI



<http://www.cpms.osd.mil/ICUC/>



Follow up with employee

Phone employee at home

- **Ask what limitations doctor placed and why.**
- **When will employee be able to return.**
- **Emphasize light duty, modification of duties.**
- **Emphasize sympathetic caring environment.**
- **If employee must be off more than a week, phone employee every week for status.**
- **Remind employee he/she must furnish valid medical documentation ASAP supporting time off work.**





Is it “legit” ?

Some Red Flags to be aware of:

- **Unexplained time delay in reporting injury or getting medical care.**
- **There are no witnesses even though injury happened in area where it should have been observed.**
- **Witness frequently serves as witness for other injuries.**
- **Disciplinary action, downsizing, transfer facing employee.**
- **Injury reported immediately after weekend or holiday.**
- **Employee changes account of how injury happened.**





If you spot a “Red Flag”

- **Talk to you ICPA; relay your concerns.**
- **Write down all information you have and give to ICPA.**
- **Army has only ONE opportunity to challenge a suspicious claim, and that is before the claim is adjudicated.**





Challenging a Suspicious Claim

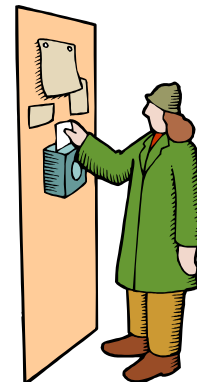
- **Challenge must be based on facts; being a poor performer is not adequate reason.**
- **Your investigation & notes are crucial.**
- **There is no format or form for a challenge,**
 - **It is simply a narrative write-up of the facts, signed by you or by the ICPA.**
 - **The suspicious claim you don't challenge may become Army's billion-dollar claim in the future.**





Timecards

- **Day of injury** - mark hours missed as LU.
- **Day after injury**, “COP” (Continuation of Payment) begins. COP does not deduct from employee’s leave balances.
- **Timecards are marked LT while on COP** for the number of days doctor says employee must be off.
- **Employee must provide doctor’s medical documentation, with number of days needed to be off. Be sure ICPA gets a copy.**





What if COP is used up ?

- **COP is capped at 45 calendar days.**
- **After 45 days, employee can use own leave; pay continues as usual.**
- **Employee can use LWOP and apply for “compensation” on a CA-7 form.**
 - **Receives 75% of pay with dependents or 66 2/3% if no dependents.**
 - “Compensation” is non-taxable. Be certain which choice employee wants to make.**
- **Confer with ICPA.**



What if employee returns part-time?

- **Employee can either use own leave for hours not worked - or can choose LWOP for those hours and claim “compensation” on a CA-7 form.**
- **Work closely with ICPA to ensure all steps are followed correctly**





What if employee can't do full duties?

- **Sometimes doctor places restrictions on what returning employee can do.**
- **Must abide by these restrictions!!**
- **If restrictions are permanent, job may need to be assigned to another employee and modified job created for returning employee.**
- **If restrictions appear unreasonable, work with ICPA to request OWCP to get a 2nd medical opinion.**





Supervisor's final responsibility

- **Get injured employee back to work.**
- **If an employee is “out on injury comp” Army pays him. If we don’t get employee back, Army pays him for his entire life!!**
- **If employee returns to work, eventually he retires like the rest of us.**
- **If employee returns, he is subject to same personnel regulations as all other employees.**





Can't return ?

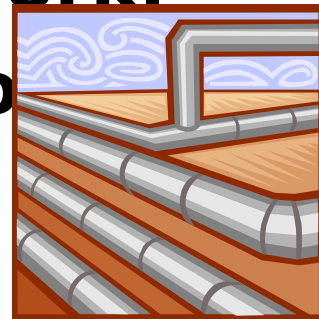
- If employee is never able to meet physical requirements of old job, work with CPAC & ICPA to create a new job within employee's capabilities.
- Only after careful medical and vocational development will OWCP determine that an employee has no current wage-earning capacity and should, therefore, be carried on long-term compensation rolls at the rate for total disability.
- Remember Army is paying employee whether he works or stays home.





DOD's Pipeline Program

- **“Pipeline” provides a billet & pays salary for first 365 days for returning employees who have been out for 90 days or more.**
- **DOD transfers money to your activity on a MIPR.**
- **Designed to assist installations in returning employees to work.**
- **Allows for over-hire (authorities only, 1 year only).**





Summary Of Supervisor Actions

- **Supervisor selects the “Filing Claims Electronically” link on the CPMS website: <http://www.cpms.osd.mil/icuc>.**
- **Supervisor enters the SSN and Date of Birth of the employee and selects whether a CA-1 or CA-2 will be filed.**
- **Employee information is entered onto the form.**
- **Witness information is entered (if applicable).**
- **Supervisor enters required information in Supervisors portion of the form.**
- **The form is printed. The employee, witness and supervisor sign their respective sections.**
- **“Submit Claim” button is selected and claim is sent electronically to the ICPA.**
- **Signed claim form is sent to the ICPA to be retained in the file.**



More information

- **Contact your ICPA (Injury Compensation Program Administrator, located in the CPAC office,
Michelle Faisca at 878-1651).**
- **Search PERMISS under OWCP & FECA.**
- **DOD instruction 1400.25 M, subchapter 810.**
- **Dept. of Labor's web site:
www.dol.gov/owcp/**
- **DOD Civilian Personnel Management Service:
www.cpms.osd.mil/icuc/**